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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,310	09/09/2003	Ed H. Frank	14177US02	2145
23446 7590 02/09/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER JOHNSON, CARLTON	
			ART UNIT	PAPER NUMBER
			2136	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/658,310	Applicant(s) FRANK, ED H.	
	Examiner Carlton Johnson	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-6-2004</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responding to application papers filed **9-9-2003**.
2. Claims **1 - 42** are pending. Claims **1, 15, 29** are independent.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1, 6 - 9, 12 - 15, 20 - 23, 26 - 29, 34 - 37, 40 - 42** are rejected under 35 U.S.C. 102(e) as being anticipated by **Chandrashekhar et al.** (US PG PUB No. **20030140131**).

**Regarding Claims 1, 15, 29**, Chandrashekhar discloses a method, machine-readable storage having stored upon a computer program having at least one code section, system for multiple encryption in a multi-band multi-protocol hybrid wired/wireless network, the method comprising: receiving on a first PHY channel of an access point, a request for initiation of a communication session from an originating access device; authenticating said originating access device using a second PHY channel; and hosting said communication session over at least one of said first PHY channel, said second

PHY channel and a third PHY channel. (see Chandrashekhar paragraph [0054], lines 3-5; paragraph [0054], lines 10-12: hybrid communications network; paragraph [0040], lines 4-6; paragraph [0108], lines 1-5: wireless/wired communications; paragraph [0056], lines 1-3: request for communications service; paragraph [0048], lines 1-7: software, implementation means))

**Regarding Claims 6, 20, 34**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 1, 15, 29, further comprising receiving an identification of said originating access device by said access point. (see Chandrashekhar paragraph [0073], lines 13-16: identification for originating device, user; paragraph [0037], lines 4-15: access network (i.e. access point))

**Regarding Claims 7, 21, 35**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 6, 20, 34, wherein said identity of said originating access device is at least one of a WEP key, a MAC address, and an IP address. (see Chandrashekhar paragraph [0073], lines 13-16; paragraph [0082], lines 14-16: IP address utilized as identification)

**Regarding Claims 8, 22, 36**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section,

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system according to claims 1, 15, 29, further comprising acknowledging said received request on said first PHY channel. (see Chandrashekhar paragraph [0057], lines 3-7: response to received request (i.e. response, ACK))

**Regarding Claims 9, 23, 37,** Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 1, 15, 29, further comprising determining a type of traffic generated by said originating access device on said first PHY channel. (see Chandrashekhar paragraph [0028], lines 13-15: type of traffic, VPN; paragraph [0054], lines 7-12: between communications endpoints)

**Regarding Claims 12, 26, 40,** Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 1, 15, 29, further comprising establishing at least one virtual channel between said originating access device and a terminating access device. (see Chandrashekhar paragraph [0054], lines 7-12: establish circuit between originating device and terminating device (i.e. endpoints, communications circuit); paragraph [0040], lines 4-6: dial-up user, physical circuit))

**Regarding Claims 13, 27, 41,** Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 12, 26, 40, further comprises tunneling information

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between said originating access device and said terminating access device. (see Chandrashekhar paragraph [0032], lines 2-5; paragraph [0054], lines 7-12; paragraph [0081], lines 7-9: tunneling between originating and termination devices (i.e. endpoints))

**Regarding Claims 14, 28, 42**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 12, 26, 40, further comprising establishing at least a portion of said at least one virtual channel over at least a portion of one of said first PHY channel, said second PHY channel and said third PHY channel. (see Chandrashekhar paragraph [0028], lines 13-15; paragraph [0054], lines 7-12: virtual channel between originating and terminating devices (i.e. VPN tunnel, virtual channel endpoints))

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **2 - 5, 10, 11, 16 - 19, 24, 25, 30 - 33, 38, 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chandrashekhar** in view of **He et al.** (US Patent No. **6,088,451**).

**Regarding Claims 2, 16, 30**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 1, 15, 29. (see Chandrashekhar paragraph [0054], lines 7-12; paragraph [0081], lines 7-9: communications between endpoints; paragraph [0048], lines 1-7: software, implementation means) Chandrashekhar does not specifically disclose generating at least one encryption/decryption key. However, He discloses wherein further comprising generating at least one encryption/decryption key for use during said communication session. (see He col. 18, lines 2-5; col. 19, lines 8-11; col. 20, lines 57-61: generation encryption/decryption key)

It would have been obvious to one of ordinary skill in the art to modify Chandrashekhar as taught by He to enable the generation of an encryption/decryption key. One of ordinary skill in the art would have been motivated to employ the teachings of He in order to a network-wide centralized user administration and authentication, credential management and network element access. (see He col.1, lines 59-63: "*... It also supports the implementation of network-wide centralized user administration and management, authentication, credential/privilege control and access to individual network elements, which is highly desirable for a large and complex network. ...*")

**Regarding Claims 3, 17, 31**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 2, 17, 30, wherein said authenticating further comprises

requesting authentication information from an authentication server. (see Chandrashekhar paragraph [0041], lines 1-5; paragraph [0057], lines 1-3: utilizing an authentication server for authorization)

**Regarding Claims 4, 18, 32**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 3, 17, 31, wherein said authenticating further comprises delivering at least a portion of said authentication information received from said authentication server to said originating access device via said second PHY channel. (see Chandrashekhar paragraph [0057], lines 3-7: appropriate indication returned to user)

**Regarding Claims 5, 19, 33**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 4, 18, 32. (see Chandrashekhar paragraph [0054], lines 7-12; paragraph [0081], lines 7-9: communications between endpoints) Chandrashekhar does not specifically disclose delivering said encryption key. However, He discloses wherein further comprising delivering said encryption key to said originating access device via one of said first PHY channel or said second PHY channel. (see He col. 18, lines 2-5; col. 19, lines 8-11; col. 20, lines 57-61: delivering encryption/decryption key)

It would have been obvious to one of ordinary skill in the art to modify Chandrashekhar as taught by He to enable the delivery of an encryption/decryption key.



One of ordinary skill in the art would have been motivated to employ the teachings of He in order to a network-wide centralized user administration and authentication, credential management and network element access. (see He col.1, lines 59-63)

**Regarding Claims 10, 24, 38**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 9, 23, 37, further comprising at least one key dependent on said determined traffic type. (see Chandrashekhar paragraph [0054], lines 7-12; paragraph [0081], lines 7-9: communications between endpoints; paragraph [0028], lines 13-15: virtual channel between originating and terminating device (i.e. VPN tunnel, virtual channel endpoints): key utilized for VPN type traffic, encryption key parameter) Chandrashekhar does not specifically disclose generating at least one encryption/decryption key. However, He discloses wherein further comprising generating at least one encryption/decryption key. (see He col. 18, lines 2-5; col. 19, lines 8-11; col. 20, lines 57-61: generation encryption/decryption key)

It would have been obvious to one of ordinary skill in the art to modify Chandrashekhar as taught by He to enable the generation of an encryption/decryption key. One of ordinary skill in the art would have been motivated to employ the teachings of He in order to a network-wide centralized user administration and authentication, credential management and network element access. (see He col.1, lines 59-63)

**Regarding Claims 11, 25, 39**, Chandrashekhar discloses the method, machine-readable storage having stored upon a computer program having at least one code section, system according to claims 10, 24, 38. (see Chandrashekhar paragraph [0054], lines 7-12; paragraph [0081], lines 7-9: communications between endpoints) Chandrashekhar does not specifically disclose the distribution of generated encryption/decryption key. However, He discloses wherein distributing said generated encryption/decryption key via at least one of said second PHY channel and said third PHY channel. (see He col. 18, lines 2-5; col. 19, lines 8-11; col. 20, lines 57-61: delivering (i.e. distributing) generated encryption/decryption key)

It would have been obvious to one of ordinary skill in the art to modify Chandrashekhar as taught by He to enable the generation of an encryption/decryption key. One of ordinary skill in the art would have been motivated to employ the teachings of He in order to a network-wide centralized user administration and authentication, credential management and network element access. (see He col.1, lines 59-63)

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton Johnson whose telephone number is 571-270-1032. The examiner can normally be reached Monday through Friday from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar Moazzami, can be reached on 571-272-4195. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Carlton Johnson  
February 2, 2007

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